

Appl. No. 10/750,484
Amdt. dated January 23, 2007
Reply to Office Action of October 24, 2006

Amendments to the Drawings:

None.

REMARKS/ARGUMENTS

Amendments to the Specification

Paragraphs [0001], [0007], [0014] and [00104] have been amended to correct minor transcription or spelling errors.

Amendments Made to Address 35 U.S.C. 112 Issues

Claims 15 and 30, which were rejected under 35 U.S.C. 112 as being indefinite for the reasons pointed out by the Examiner, have been amended to address the rejection.

Other Claim Amendments

Claims 1 and 16 have been amended to positively recite that the microorganisms are mobilized by contact with water. Support for this amendment is found throughout the specification as originally filed. For example, see the last two sentences of paragraph [0024], paragraphs [0026] and [0069], and the last sentences of paragraphs [0073], [0094] and [0099].

Other claims, such as claims 4, 5 and 6, have been amended merely to eliminate superfluous words and to use clearer or more direct language without intending any change whatsoever in the scope of the claims. In claim 36 a spelling error was corrected.

Claims 7 and 24 lacked an antecedent basis for the term "microorganism consortium" and these claims have been amended to correct that defect.

New Owner of This Application

Enclosed is a copy of the assignment of various patent assets, including the above-captioned application, from The Ensign-Bickford Company to Dyno Nobel Inc., together with a copy of the documents submitting the assignment for recordation in the Office.

Non-Statutory Double Patenting

Claims 1-39 have been rejected for non-statutory double patenting. A terminal disclaimer in appropriate form executed on behalf of the new owner is submitted herewith, and is believed to overcome the double patenting rejection.

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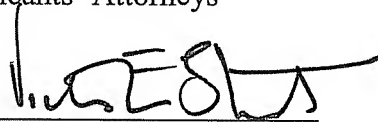
In view of foregoing, it is respectfully submitted that each of the pending claims is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

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